GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Department– Revision Petition filed by Kum H. Naga Lakshmi Devamma D/o Late Haridas Govinda Rajulu, Occ: Junior Asst. in APPSC(Retd.), Hyderabad, against the proceedings No.C4/8819/97, dt.27.05.2000 and confirmed by the Government vide G.O.Ms.No.92, S.W.(CV.2) Dept., dt.07.08.2002- under section 8(1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Revision Petition dismissed – Orders Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.Ms.No.71 Dated:04.06.2016

Read the following:

1. Proceedings of the Dist. Collector, Prakasam, Rc.No.C4/8819/97, dt.27.05.2000.
2. Appeal Petition from Kum H. Naga Lakshmi Devamma D/o Late Haridas Govinda Rajulu, Junior Asst. in APPSC, Hyderabad before the M(TW) on 23.09.2000.
3. G.O.Ms.No.92, S.W.(CV.2) Dept., dt.07.08.2002.
4. Orders from the Hon'ble APHC, Hyd., W.P.No.15492/2002, dt.05-07-2005 filed by Kum H. Naga Lakshmi Devamma.
5. Govt. Memo No.6805/CV.2/2005-1, dt.18.08.2005 and reminders thereon.
6. Govt. letter No.6805/CV2/2005, dt.02.09.2009, 06.03.2010 & 10.06.2010.
7. Govt. Memo.No.6805/CV2/2005, dt: 30.04.2012,13.04.2015 & 22.05.2015.
8. From the Dist. Collector, Prakasam, Rc. No.C4/8819/97, dt.27.05.2000.
9. Govt. Memo.No.6805/CV2/2005, dated16.10.2015.

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ORDER:

In the reference 1st read above the District Collector, Prakasam has issued orders canceling ST- Konda Kapu Caste Certificate obtained from the then Tahsildar, Chirala in 1973 by Kum H. Naga Lakshmi Devamma D/o Late Haridas Govinda Rajulu.

2. In the reference 2nd read above, Kum H. Naga Lakshmi Devamma D/o Late Haridas Govinda Rajulu has filed Appeal Petition before the Government against the said proceedings of the District Collector, Prakasam. After examining the said Appeal Petition Government have issued orders in the reference 3rd read above by rejecting the Appeal Petition of Kum H. Naga Lakshmi Devamma duly confirming the orders passed by the District Collector, Prakasam.

3. Aggrieved by the said orders, Kum H. Naga Lakshmi Devamma has filed W.P. No. 15492/2002 before the Hon'ble High Court of A.P., with a prayer to grant stay on the proceedings of the District Collector, Prakasam as confirmed by the Government vide G.O.Ms.No.92, S.W.(CV.2) Dept., dt.07.08.2002 and entitled to all the benefits under ST category. The Hon'ble High Court of A.P., while disposing the said W.P., on 05.07.2005 has issued stay orders on the said proceedings of the District Collector, Prakasam/ G.O. passed by the Government and the matter remanded to the Government for disposal afresh giving an opportunity to the petitioner and to complete the said exercise within two months from the date of receipt of the order. But due to several administrative difficulties the matter could not be disposed before the said date however, after giving notices from time to time to the Appellant through his Counsel the matter has been examined by the Appellate Authority.

4. As per the said directions of the Hon'ble High Court of A.P., Hyderabad the Government have decided to review the orders passed on the reference 3rd read above and the Appellant was requested to attend hearings scheduled on 19.09.2009, 19.03.2010, 25.06.2010, 11.05.2012, 23.05.2015, 13.06.2015 & finally on 31.10.2015 and the same has been informed to the Appellant and the Counsel for the Appellant and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no claim what-so-ever in the matter and it will be decided based on the material available with the Government in the references 6th, 7th & 9th read above.

[P.T.O]

5. As per the said directions of the Hon'ble High Court of A.P., Hyderabad, the matter has been taken up for hearing and the Government after careful examination of the records/ the copies of evidences/academic record/ grounds filed by the Appellant and proceedings of the District Collector, Prakasam dated 27.05.2000, and after hearing the arguments of Appellant, the Appellate Authority observed as follows:

I. The Appellant has stated that she is the daughter of Sri Haridasu Govinda Rajulu and Smt. Ranganayakamm. Sri Haridasu Govindarajulu is son of Haridas Audinaraya of Seetampeta Village and mandal of Srikakulam District and he is belongs to Konda Kapu tribe.

II. She further states that the Appellant's father married Smt. Ranganayakamma who belongs to 'Kapu' community and they have got the following children:

i. Haridasu Venkateswara Rao
ii. Haridasu Sambasiva Rao
iii. Haridasu Raghava Rao
iv. Haridasu Nagalakshmi Devamma
v. Haridasu Jayalakshmi
vi. Haridasu Narayanamma
vii. Haridasu Satyavathi

III. As per the report of the Commissioner of Tribal Welfare, Hyderabad, the Appellant's father & grandfather are proved to belong to Kapu or Telaga Caste and the appellant's grandfather is not the traditional habitant of Konda Kapu Tribe.

IV. Further the Admission Register of VRS & YRN College, Chirala shows that the appellant belongs to Kapu community and her sisters caste was recorded in School Records as 'Kapu' Community. The appellant's brothers and sisters married 'Kapu' caste people only.

V. Further the village Munisif, Chirala stated that Sri H. Govinda Rajulu father of the appellant belongs to Telaga caste and the Elecoral rolls of Chirala Muncipality do not support that the family of Sri Haridasu Govinda Rajulu belong to any Scheduled Tribe.

6. Further it is observed that the Appellant has not evinced any interest in prosecuting her interest in the above appeal and she has not produced any relevant documents/material in support of her claim as ST-Konda Kapu community before the Appellate Authority even at the time of hearing. Further there is no evidence that the Appellant belongs to ST-Konda Kapu Community and the Appellant failed to produce any evidence even though lot of opportunity was given to her even by the Government. Further the Appellant has failed to prove that his grandparents, parents are having relatives belong to ST-Konda Kapu community. Further, a old evidence of Appellant is self defeating. The burden, on the Appellant U/S 6 is not discharged. Hence Government have examined the entire record & material relevant to the instant case and it is decided that the Appellant obtained caste certificate fraudulently and the Appellant has no iota of evidence to show that his grandparents, parents or any relatives belong to ST-Konda Kapu community. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity found either in the order of the DLSC or the learned District Collector, Prakasam.

7. The Government, in exercise of the powers conferred under Section 8(1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decided that the Revision Petition filed by Kum H. Naga Lakshmi Devamma D/o Late Haridas Govinda Rajulu does not deserve any interference. Hence, Proceedings of the District Collector, Prakasam issued vide Rc. No.C4/8819/97, dt.27.05.2000 is hereby upheld and the Revision Petition filed by Kum H. Naga Lakshmi Devamma D/o Late Haridas Govinda Rajulu is hereby dismissed.

[Contd…]

8. Consequently, the District Collector, Prakasam shall take necessary action in the matter.

9. The records (containing Rc. No.C4/8819/97, dt.27.05.2000) received from the District Collector, Prakasam through 8th read above, are returned herewith in original to the District Collector, Prakasam and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAM PRAKASH SISODIA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Prakasam.(w.e)
(with original records)

Kum H. Naga Lakshmi Devamma D/o Late Haridas Govinda Rajulu,
23-192/1, Plot No.28, BOB Colony, Bhudevi Nagar,
Tirumalgherry, Secunderabad.

Copy to:
The Secretary, APPSC,
Beside Gandhi Bhavan Nampally, Hyderabad.

The Director, TCR& TI, AP, Hyderabad.
The P.S. to Hon'ble Minister(SWE&TWE)
The P.S. to Principal Secretary(TW)

// FORWARDED:: BY ORDER //

SECTION OFFICER